

811 KAR 1:015. Race officials.

RELATES TO: KRS 230.240(1), 230.260(1), 230.290, 230.310, EO 2009-535

STATUTORY AUTHORITY: KRS 230.240(1), 230.260(3), 230.310, EO 2009-535

NECESSITY, FUNCTION, AND CONFORMITY: KRS 230.240(1) authorizes the Authority to prescribe by administrative regulation the required officials for horse racing and their official duties. EO 2009-535, effective June 12, 2009, established the Kentucky Horse Racing Commission and transferred all functions of the Kentucky Horse Racing Authority to the commission. This administrative regulation sets forth the required officials and describes their functions and duties.

Section 1. (1) Officials at a race meeting shall include the following:

- (a) Presiding judge;
- (b) Two (2) associate judges;
- (c) Racing secretary;
- (d) Paddock judge;
- (e) Horse identifier;
- (f) Clerk of the course;
- (g) Official starter;
- (h) Official charter;
- (i) Official timer;
- (j) Photo finish technician;
- (k) Patrol judge;
- (l) Program director;
- (m) Official commission veterinarian; and

(n) Any other person designated by the commission who is necessary to effectively conduct the race meeting.

(2) At a matinee or county fair, there shall be at least one (1) judge approved by the commission in the judges' stand. In addition, at any meeting at which races are charted, the association shall provide both a licensed charter and a licensed clerk of the course.

Section 2. (1) In accordance with KRS 230.240(1), there shall be three (3) judges for each race meeting.

(a) Two (2) of the judges, including the chief judge, shall be employed and compensated by the commission.

(b) The third judge shall be nominated by the association for approval.

(c) The name of the association nominee shall be submitted when an association applies for a license if possible, but no later than thirty (30) days before commencement of a race meeting.

(d) The nomination shall be accompanied by biographical data describing the experience and qualifications of the nominee.

(e) The association shall submit successive nominees until one (1) person is approved by the commission as qualified to serve as a judge.

(f) A judge shall not serve until approved by the commission.

(2) Prior to consideration by the commission for employment or approval as a judge, a person shall:

(a) Have attended the University of Louisville Steward/Judge Accreditation School, the University of Arizona National Steward/Judge Accreditation Program, or any other accreditation school or program approved by the commission;

(b) Have satisfactorily passed a written and oral examination given by the school;

(c) Possess the requisite knowledge of the duties expected of the position and the rules of har-

ness racing; and

(d) Not be under suspension or ejection by the United States Trotting Association, Standard-bred Canada, or any racing jurisdiction.

Section 3. An association shall submit to the commission, at least thirty (30) days prior to the opening of a race meeting, a written list of racing officials and applicable employees.

Section 4. Officials at Extended Meetings. (1) The officials listed in Section 1(1) of this administrative regulation shall not serve at an extended pari-mutuel meeting without a valid commission license.

(2) A person shall not be employed for more than one (1) official race position at a meeting unless specifically approved by the commission.

(3) The commission shall employ or approve all officials listed in Section 1(1) of this administrative regulation prior to each harness racing meeting, based on standard qualifications for racing officials.

(4) A refusal to grant a license to a person may be reviewed by the commission in accordance with 811 KAR 1:105.

Section 5. Prohibited Practices. A racing official, his or her assistants, or any other employee in the racing secretary's office shall not engage in the following activities while serving in an official capacity at a race meeting:

- (1) Have an ownership interest in any horse that is racing at the meeting;
- (2) Participate in the sale or purchase of any horse that is racing at the meeting;
- (3) Sell or solicit horse insurance on any horse racing at the meeting;
- (4) Be licensed in any other capacity without permission of the commission;
- (5) Directly or indirectly wager on the outcome of any live race which the person is officiating; or
- (6) Refuse to submit to a breath, blood, or urine test if directed to do so by the commission or its designee, in accordance with 811 KAR 1:010 or 1:225.

Section 6. Location of Judge's Stand. (1) The judge's stand shall be located and constructed so as to afford an unobstructed view of the entire track.

(2) Anything that might obscure or otherwise impede an official's vision of any portion of a track during a race shall not be permitted on the track.

Section 7. Judge's Stand Occupants. From fifteen (15) minutes before the first race until ten (10) minutes after the last race, the occupants of the judge's stand shall be limited to:

- (1) Judges;
- (2) Clerk of the course;
- (3) Secretary;
- (4) Starter;
- (5) Timers;
- (6) Official announcer;
- (7) Runner who posts the photo finish;
- (8) Officials of the commission; and
- (9) Other persons specifically authorized by the presiding judge.

Section 8. Appointment of Substitute Officials. If a vacancy exists among the association racing officials, the association shall fill the vacancy immediately with a temporary appointment. The appointment shall be effective until the vacancy is filled in accordance with this administrative regula-

tion. A temporary or emergency appointment shall be approved by the executive director of the commission or the presiding judge.

Section 9. Appointment of Substitute Judge. If a judge is absent at race time, the presiding judge shall appoint a substitute. If a substitute is appointed, the commission shall be notified immediately by the presiding judge.

Section 10. Presiding Judge. The presiding judge shall:

- (1) Supervise the following persons:
 - (a) Associate judges;
 - (b) Patrol judges;
 - (c) Starters;
 - (d) Paddock judges;
 - (e) Photo finish judge;
 - (f) Clerk of the course;
 - (g) Timers;
 - (h) Charters;
 - (i) Racing secretary;
 - (j) Official announcer; and
 - (k) Other licensed personnel directly responsible for conducting the racing program;
- (2) Promptly notify owners, trainers, drivers and grooms of penalties imposed;
- (3) Promptly submit a detailed written report to the commission of violations of the rules by an association, its officers, or race officials;
- (4) Make other reports required by the commission;
- (5) Sign each sheet of the judge's book, verifying the correctness of all information, and forward the sheets to the United States Trotting Association no later than the day following the contesting of the race; and
- (6) Be responsible for the maintenance of the records of the meeting and for forwarding them to the commission.

Section 11. Authority and Procedure of Judges. A presiding judge shall:

- (1) Levy fines and penalties, as provided by KRS Chapter 230 and 811 KAR Chapter 1;
- (2) Determine questions of fact relating to the race;
- (3) Decide any differences between parties to the race, or any contingent matter which arises, that are not otherwise provided for in this administrative regulation;
- (4) Declare pools and bets "off" in cases of fraud;
 - (a) A decision regarding pools and bets shall be made by the presiding judge at the conclusion of the race, and prior to the result of the race being announced as official, based upon the:
 1. Observation of the presiding judge; and
 2. Facts determined upon immediate investigation.
 - (b) After the official placing at the conclusion of the heat or dash, a reversal or change of decision shall not affect the distribution of betting pools made on the official placing.
 - (c) If pools and bets are declared "off" for fraud, the party who commits the fraud shall be charged pursuant to Section 25(2) of this administrative regulation;
- (5) Control the horses, drivers, and assistants by citing any drivers or assistants who fail to obey their orders or 811 KAR Chapter 1;
- (6) Examine under oath any party connected with a race regarding a wrong or complaint;
- (7) Compel by written notice the appearance of a person whose testimony is necessary to the proper conduct of a hearing;

(8) Consider complaints of foul only from the patrol judges, owners, trainers, or drivers in the race;

(9) Make decisions in the public interest and in the best interest of racing that are required by extraordinary circumstances not covered by 811 KAR Chapter 1; and

(10) Declare a dash or heat "no contest" if the track is thrown into darkness during the progress of a race because of a failure of electricity, or any unforeseen incident.

Section 12. Judges' Duties. (1)(a) A presiding judge shall exclude from the race a horse that in the judge's opinion is improperly equipped, dangerous, or unfit to race, including a horse that is sick, weak, or extremely lame.

(b) A horse shall not race:

1. With a tube in its throat, or with the assistance of any other medical device, unless the approval of the presiding judge and the commission veterinarian are obtained prior to the race;

2. If it does not have unimpaired vision in at least (1) eye; or

3. If it is infected with Equine Infectious Anemia or is a carrier of that disease.

(2) A presiding judge shall investigate any:

(a) Apparent or possible interference, or other violation of 811 KAR 1:075, Section 1, whether or not a complaint has been made by a driver; or

(b) Act of cruelty to a race horse that is seen by, or reported to, him by any person during a meeting at which he officiates. If a judge finds that an act of cruelty has been committed, he shall charge the offender pursuant to Section 25(1) of this administrative regulation;

(3) The executive director of the commission, or the designated representative of the commission:

(a) Shall have the same authority as that conferred upon judges by the provisions of this section;

(b) May impose a penalty for an act of cruelty or neglect of a horse committed by any person, whether the act was performed on or off the premises of a race track; and

(c) Shall report any suspected criminal act to the appropriate law enforcement authorities.

(4)(a) A presiding judge shall conduct an investigation of an accident to determine its cause on the day of a race or immediately thereafter; and

(b) At the time of an accident the:

1. Inquiry sign shall be posted; and

2. The race shall not be declared official until the presiding judge has conferred with the patrol judge, if one (1) is present, and the starter.

(5) A presiding judge shall exhaust all means to safeguard the contestants and the public.

Section 13. An association shall not:

(1) Rescind or modify a fine imposed by a presiding judge;

(2) Review an order of suspension or expulsion; or

(3) Interfere with any official in the performance of his or her duties.

Section 14. Judges' Procedure. (1) The judges shall:

(a) Be in the stand:

1. Fifteen (15) minutes before the first race;

2. For ten (10) minutes after the last race; and

3. Whenever the horses are upon the track;

(b) Observe the preliminary warming up of horses and scoring, noting:

1. Behavior of horses;

2. Lameness;

3. Equipment;
 4. Conduct of the drivers;
 5. Changes in odds at pari-mutuel meetings;
 6. Unusual incidents pertaining to horses or drivers participating in races; and
 7. Any apparent or possible interference or other violation of 811 KAR 1:075, Section 1; and
- (c) Designate one (1) of the judges to lock the pari-mutuel machines immediately upon the horse reaching the official starting point.
- (2) The presiding judge shall:
- (a) Approve the post time for each race;
 - (b) Call the horses at a time sufficient to preclude excessive delay after the completion of two (2) scores; and
 - (c) Be in communication with the starter from the time the starter picks up the horses until the finish of the race.
- (3) A patrol judge or starter who witnesses a violation of KRS Chapter 230 or 811 KAR Chapter 1 shall immediately report the violation to the presiding judge.
- (4) At least one (1) judge shall observe the drivers throughout the stretch, and specifically note:
- (a) Changing course;
 - (b) Any driving offenses or instances of interference with a race;
 - (c) Improper use of whips;
 - (d) Breaks; and
 - (e) Failure to contest the race to the finish.
- (5) Photo sign.
- (a) The photo sign shall be displayed if:
1. The order of finish among the contending horses is less than a half-length; or
 2. A contending horse is on a break at the finish.
- (b) After the finish:
1. The photo shall be examined;
 2. A decision shall be made;
 3. The photo shall be checked by the presiding judge for accuracy; and
 4. The photo shall be posted for public inspection after the race has been declared official.
- (6) The judges shall decide the order of finish if:
- (a) The photo finish camera suffers electrical or mechanical failure; or
 - (b) A distorted, deceptive, or otherwise inadequate picture is developed.
- (7)(a) The judges shall cause a horse to be examined by the commission veterinarian if it falls or runs loose and uncontrolled:
1. During warm up;
 2. Prior to the race; or
 3. Going to the post.
- (b) If the commission veterinarian determines that the horse is unfit, the presiding judge shall order the horse scratched.
- (c) If the trainer believes his or her horse is unfit to race, the trainer shall so advise the judge. The judge shall then determine if the horse is unfit to race.

Section 15. Patrol Judges. (1) At the discretion of the judges, patrol judges may be appointed by the association.

- (2) Appointment of patrol judges shall require the approval of the presiding judge.
- (3) Patrol judges shall be supervised by the presiding judge.
- (4) Patrol judges shall observe activity on the race track in their area during the race program.
- (5) Patrol judges shall immediately report to the presiding judge any fouls or improper conduct,

including:

- (a) Action on the track which could improperly affect the result of a race;
 - (b) A violation of KRS Chapter 230 or 811 KAR Chapter 1;
 - (c) A violation of the rules of decorum;
 - (d) The lameness or unfitness of a horse; or
 - (e) A lack of proper racing equipment.
- (6) Patrol judges shall be in constant communication with the judges during the course of a race.
- (7) Patrol judges shall attend hearings or inquiries on violations, if requested by the presiding judge, and testify under oath.
- (8) If patrol judges have been appointed, results of a heat or dash shall not be announced until the reports of the patrol judges have been received.

Section 16. Starter. (1) Subject to the approval of the commission, the starter shall be:

- (a) Designated by the association; and
 - (b) Licensed as a starter by the commission.
- (2) The starter shall be in the starting gate fifteen (15) minutes before the first race.
- (3) The starter shall have control over the horses from the formation of the post parade until the word "go" is given.
- (4) A starter may recommend disciplinary action to a presiding or associate judge.
- (5) If requested by the judges, the starter may assist in placing the horses.
- (6) A starter shall be licensed by the United States Trotting Association as a prerequisite to approval by the commission to serve as a starter.

Section 17. Clerk Duties; Clerk of the Course. The clerk of the course shall:

- (1) Assist in drawing positions if requested by the judges;
- (2) Keep the judge's book and record, containing:
 - (a) All horses entered without electronic eligibility certificates;
 - (b) Names of owners, drivers, and license numbers of drivers;
 - (c) The charter lines at pari-mutuel meetings;
 - (d) Money won by a horse at that track during that race meeting;
 - (e) Drawn or ruled out horses;
 - (f) The performance time of horses in minutes, seconds, and fifths of seconds; and
 - (g) Information related to the finish of the race, including the position of a horse in the race if it was charted;
- (3) Verify the correctness of the judge's book, including race time, placing and money winnings, and reasons for disqualification, if any;
- (4) Verify that the book is properly signed; and
- (5) Upon request, assist judges in placing horses.

Section 18. Timers. (1) If an electronic or electric timing device is used, the device shall be approved by the commission.

- (2) Time shall be announced and recorded in fifths of seconds.
- (3)(a) If an electronic or electric timing device is used, there shall be one (1) timer in the judge's or timer's stand.
- (b) If an electronic or electric timing device is not used, there shall be three (3) timers in the judge's or timer's stand.
- (4) (a) The timers shall be in the stand fifteen (15) minutes before the first heat or dash is to be contested.

(b) Timers shall start their watches when the first horse leaves the point from which the distance of the race is measured.

(c) The time of the leading horse at the quarter, half, three-quarters, and the finish shall be taken.

(d) If odd distances are raced, the fractions shall be noted accordingly.

Section 19. Paddock Judge. (1) Under the direction and supervision of the presiding judge, the paddock judge shall be in complete charge of paddock activities as specified in 811 KAR 1:010, Section 8.

(2) The paddock judge shall be approved by the commission, pursuant to Section 4(3) of this administrative regulation.

(3) The paddock judge shall:

(a) Ensure that the fields are on the track for the post parade in accordance with the schedule provided by the presiding judge;

(b) Check for changes in equipment, broken or faulty equipment, head numbers, or saddle pads;

(c) Supervise paddock gate personnel; and

(d) Check in and check out horses and drivers. Check in and check out shall include the identification of all horses coming into the paddock, by the freeze brand, tattoo number, or other uniform or standardized means of identification approved by the commission.

(4) The paddock judge shall:

(a) Direct the activities of the paddock farrier;

(b) Immediately notify the presiding judge of any circumstances that could change, delay, or otherwise affect the racing program;

(c) Report to the presiding judge any incident of cruelty to a horse that he or she observes or is aware of;

(d) Ensure that only properly authorized persons are permitted in the paddock;

(e) Notify the presiding judge of a change of racing equipment or shoes before the race;

(f) Inspect and supervise the maintenance of emergency equipment kept in the paddock; and

(g) Notify judges of any trainers, drivers, or grooms who leave the paddock in an emergency.

Section 20. Identifier. (1) An association shall employ an identifier, licensed by the commission and the United States Trotting Association, at an extended pari-mutuel meeting.

(2) The identifier shall:

(a) Check the identification of horses coming into the paddock, including the tattoo number, freeze brand or other commission-approved means of identification, color, and markings; and

(b) Be under the immediate supervision of the paddock judge, and the general supervision of the presiding judge.

(3)(a) The identifier shall immediately report to the paddock judge a discrepancy that is detected in the tattoo number or freeze brand, or other commission-approved means of identification, or the color or markings of a horse; and

(b) The paddock judge shall immediately notify the presiding judge of the discrepancy.

Section 21. Program Director. (1) Subject to the approval of the commission an association conducting an extended pari-mutuel meeting shall designate a program director, pursuant to Section 4(3) of this administrative regulation.

(2) The program director shall be responsible for furnishing the public with complete and accurate past performance information as required by 811 KAR 1:020, Section 3.

(3) A person shall not act as a program director at an extended pari-mutuel meeting unless that

person has secured a license from the United States Trotting Association.

Section 22. Licensed Charter. (1) At an extended pari-mutuel meeting and a grand circuit meeting, a race shall be charted by a licensed charter hired by the track.

(2) The charter shall be subject to the approval of the Authority, pursuant to Section 4(3) of this administrative regulation, and shall be licensed by the United States Trotting Association.

(3) The charter shall be responsible for providing a complete and accurate chart which shall include the following:

- (a) The name of the horse;
 - (b) The name of the driver;
 - (c) Date and place of race;
 - (d) Size of track;
 - (e) Track condition and temperature;
 - (f) Type of race (trot or pace);
 - (g) Classification of race;
 - (h) Distance;
 - (i) The fractional times of the leading horse, including the race time;
 - (j) Post position, position at the quarter (1/4), half (1/2), three quarters (3/4), head of the stretch with lengths behind the leader, and finish with lengths behind the leader;
 - (k) Official order of finish;
 - (l) Individual time of each horse;
 - (m) Closing dollar odds if applicable (with favorite designated by an asterisk);
 - (n) The standard symbols for breaks, park outs, and free legged pacers if applicable;
 - (o) The price for which the horse is entered to be claimed less allowances for age and sex if the race is a claiming race; and
 - (p) Notations of placings, disqualifications, and claimed horses.
- (4) Horses who are more than twenty-five (25) lengths off the leader may be noted in charts as distanced ("dis").

Section 23. Any variance from commonly-accepted equipment shall be approved by the presiding judge.

Section 24. Duties of the Race Secretary. The race secretary of an association shall be licensed and approved by the commission, pursuant to Section 4(3) of this administrative regulation. The race secretary shall:

- (1) Ensure that all horses racing during the meet have electronic eligibility certificates;
- (2) Be familiar with the age, class, and competitive ability of horses racing at the track;
- (3) Classify and reclassify horses at the meet in accordance with the required conditions of the race;
- (4) List horses in the categories for which they qualify, and ensure that the lists are current and properly displayed in the room in which the declaration box is located for examination by horsemen and others;
- (5) Provide for the listing of horses in the daily program;
- (6) Verify the information contained in entry blanks and declarations;
- (7) Select the horses to start and also the eligible horses from the declarations in accordance with the conditions of the race; and
- (8) Examine nominations and declarations in early closing events, late closing events, and stake events, to verify the eligibility of all declarations and nominations, and to compile lists for publication.

Section 25. Penalties. (1) A person, including a judge, or association that violates any provision of this administrative regulation, other than Section 11(4), shall have committed a Category 1 violation and shall be subject to the penalties set forth in 811 KAR 1:095, Section 4(1).

(2) A person who commits fraud under Section 11(4) of this administrative regulation shall have committed a Category 3 violation and shall be subject to the penalties set forth in 811 KAR 1:095, Section 4(3). (KTC 1-8 (Rule 6); 1 Ky.R. 1099; eff. 6-11-1975; Am. 6 Ky.R. 294; eff. 1-2-1980; 10 Ky.R. 910; eff. 2-1-1984; 20 Ky.R. 428; 1798; eff. 1-10-1994; 27 Ky.R. 2581; 3088; eff. 5-14-2001; 33 Ky.R. 914; 1807; eff. 2-2-2007; 36 Ky.R. 213; 605; 1031; eff. 12-4-2009.)